

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action sent June 25, 2010. Claims 1-20 are pending in this Application. Claims 1-20 stand rejected under § 103(a). Applicants have cancelled Claims 16-18. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-15 and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0224801 by Lovberg et al. ("*Lovberg*") as well as U.S. Patent 6,226,292 by Diplacido ("*Diplacido*") and U.S. Patent 6,393,109 by Willer ("*Willer*").

Claims 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Diplacido* and *Willer*.

Applicants submit that *Lovberg* is not prior art to Applicants' claimed invention, and thus cannot be used to sustain an obviousness rejection of Claims 1-15 and 19-20. Enclosed herein are the Declarations of Inventors Andrew T. Sultenfuss and Jonathon F. Lewis and Assignee's Senior Patent Paralegal, Dale Duty, submitted Pursuant to 37 C.F.R. § 1.131 (the "Declarations"). Applicants submit that the Declarations and the Exhibits attached to the Declarations provide substantial evidence that (i) the subject matter of Applicants' claims was conceived prior to December 12, 2002 and (ii) the inventors worked diligently toward the filing of the Application from prior to December 12, 2002 to October 3, 2003, the date that the Application was filed. Therefore, Applicants respectfully contend that *Lovberg* is no longer available to the Examiner to support a rejection of any of Claims 1-15 and 19-20.

For at least these reasons, Applicants respectfully submit that *Lovberg* is not prior art with regard to Applicants' claims. Thus, Applicants respectfully request the Examiner withdraw the rejections of Claims 1-15 and 19-20, which rejections are each based in part on *Lovberg*.

No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the references

relied upon. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the rejections asserted in the present Office Action.

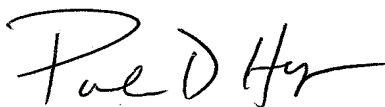
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-15 and 19-20.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2555.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Paula D. Heyman
Reg. No. 48,363

Date: October 22, 2010

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **23640**
512.322.2555
512.322.8383 (fax)

Attachment(s):

1. Declaration of Andrew T. Sultenfuss
2. Declaration of Jonathan Foster Lewis
3. Declaration of Dale Duty
4. Replacement Sheet Drawing
5. Annotated Drawing Sheet